

## **REMARKS**

This paper is filed in response to the Office Action dated May 20, 2004. Claims 1-12 are pending. In the Office Action of May 20, 2004, the Examiner finally rejected claims 1-12 under 35 U.S.C. § 102(e) as being unpatentable over McConnell et al., U.S. Patent No. 6,373,930 ("McConnell").

The Examiner's rejections are traversed below.

### **Claims 1-12 Are Patentable Over McConnell**

The Examiner rejected claims 1-12 under 35 U.S.C. 102(e) as being anticipated by McConnell. The Applicants respectfully traversed the rejections with respect to claims 1-12 in Amendment A, dated February 26, 2004, on the basis that these claims include certain novel limitations that are not disclosed by McConnell. Namely, McConnell fails to disclose using an independent interactive session for replenishment of a prepaid account, while communications are maintained for a first communications sessions using the prepaid account. The Examiner, in finally rejecting the claims, insists that McConnell does make such a disclosure. Applicants disagree.

The passage relied upon by the Examiner in making this argument is reproduced below in its entirety.

CE logic module 240 may be arranged to provide AB service logic module 234 in SCP 124 with an indication of the available balance for a given call. AB service logic module 234 may then time the call and, upon completion of the call, notify CE logic module 240 of the change in balance or the new balance. CE logic module 240 may then decrement the balance in database 242. Alternatively, CE logic module 240 may be arranged to read an account balance at the start of a call, and to then decrement the account balance throughout the call and notify SCP 124 when the account balance

reaches a low threshold level. Of course, other examples exist as well.

In addition, referring to FIG. 4, calculation engine 130 may be coupled with a replenishment network ("RN") 138, which can include various servers and database systems for use in verifying added value to subscriber accounts. For instance, replenishment network 138 may include a credit card verification system, for verifying charges to credit cards that are used as payment for additional minutes of telecommunications services. As another example, replenishment network 138 may include an airline-miles verification system, for verifying charges to airline miles accounts used as prepayment for telecommunications services.

McConnell, col. 15, lines 26-49.

The cited text does not provide a disclosure commensurate with the pending claims. In particular, the cited text discloses ways to: (1) track the available balance; (2) adjust the available balance; (3) send a notification when the balance reaches a low threshold; and (4) replenish a balance with a credit card or airline-miles account. However, there is no indication that replenishment will take place during an interactive session that is coincident with and independent of a communications session using the account, as required by the independent claims.

McConnell discloses a method and system for monitoring telecommunications traffic. The method and system are particularly useful for prepaid calling accounts. According to McConnell, for calls that are to be monitored, such as prepaid calls, a switch causes the call to be routed via a special looparound circuit to a destination. The looparound circuit permits a processor to take action on the call, such as monitor a balance associated with the call and interrupt the call. McConnell does not disclose the use of an independent interactive session to replenish a prepaid account, while communications are maintained on a communications session using the prepaid account. There is no

disclosure of use of an independent interactive session for the replenishment of the account, separate and apart from the communications session using the prepaid account. Indeed, it appears that McConnell discloses replenishment as an interruption to the ongoing communications, not as a separate session.

Independent claims 1 and 8, both require the establishment of an independent interactive session for replenishment of a prepaid account while maintaining an ongoing communications session associated with the account. This novel feature is not disclosed by McConnell or the prior art. Therefore, claims 1 and 8 are patentable over McConnell. The dependent claims 2-7 and 9-12 depend ultimately from claims 1 and 8, respectively, and are patentable for at least the reasons given above for these claims.

### CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,

  
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